

HORWOOD.0010

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tim P. Horwood, et al.

App. No. : 10/606,605

Filed : June 26, 2003

For : PORTABLE SPA

Examiner : Charles E. Phillips

Group Art Unit: 3751

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

June 7, 2004

(Date)

Craig S. Summers, Reg. No. 31,430

PETITION FOR WITHDRAWAL AS ATTORNEY PURSUANT TO 37 C.F.R. § 1.36  
AND REQUEST TO ESTABLISH NEW CORRESPONDENCE ADDRESS  
UNDER M.P.E.P. § 402.10

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTENTION: Director Group 3751

Dear Sir:

Pursuant to 37 C.F.R. § 1.36, the Petitioner requests permission to withdraw as attorney for applicants, Tim P. Horwood and Keith W. Lovell, in all matters pending before the Patent and Trademark Office, including the above-identified application. Keith W. Lovell and Tim P. Horwood are the assignees of this application pursuant to an assignment of rights from the third named inventor, John E. Pope. A copy of this assignment, recorded on January 26, 2000, at Reel/Frame 010553/0625, is enclosed.

Because Petitioner seeks to withdraw as to both applicants, Petitioner also requests the Office to establish a new correspondence address pursuant to M.P.E.P. § 402.10. The last known mailing addresses of each applicant are set forth below.

The Petitioner is authorized by, and makes this request on behalf of, the law firm of Knobbe, Martens, Olson & Bear, LLP (Customer No. 20,995), including all of its individual members.

**Appl. No** : 10/606,605  
**Filed** : June 26, 2003

The last known mailing addresses of the applicants are:

Tim P. Horwood  
10451 Latour Lane  
Mira Loma, CA 91752

Keith W. Lovell  
8 Navajo Trail Lane  
Pomona, CA 91766

The basis for the Petition for Withdrawal is 37 C.F.R. § 10.40(c)(1)(iv). The following facts support the granting of this petition:

1. In December 1999, Applicants engaged Petitioner's law firm to prepare and file a patent application for a Portable Spa.
2. Petitioner prepared the application, which was filed on January 26, 2000 and assigned Application No. 09/491,361.
3. On May 2, 2002, Petitioner filed a continuation application at Applicants' request. The continuation application was assigned Application No. 10/137,929 and claimed priority to the parent Application No. 09/491,361, which was then abandoned.
4. On July 1, 2003, the continuation application issued as U.S. Patent No. 6,584,624 ("the '624 patent").
5. Prior to issuance of the '624 patent, Petitioner filed another continuation application at Applicants' request. This continuation application was filed on June 26, 2003 and assigned Application No. 10/606,605. This application, which is currently pending, is the application from which Petitioner seeks to withdraw.
6. In or about August 2003, Petitioner became aware of a disagreement between the two Applicants, Mr. Lovell and Mr. Horwood, regarding: (1) how to address certain issues regarding the '624 patent; and (2) how to prosecute the pending continuation application. Subsequent efforts to resolve the disagreement were unsuccessful. Because of this disagreement, Petitioner has been provided with conflicting instructions from the Applicants on how to proceed with the '624 patent and the pending continuation application.
7. Due to these conflicting instructions from Applicants, it is not possible for Petitioner to carry out the employment effectively, or at all, within the meaning of 37 C.F.R. § 10.40(c)(i)(iv).
8. Applicants have been informed that Petitioner would withdraw as their attorney in connection with both the '624 patent and the pending continuation application.

**Appl. No** : 10/606,605  
**Filed** : June 26, 2003

One of the two Applicants has stated that he would not agree to Petitioner's withdrawal by consent, and the other Applicant has stated that he would consider Petitioner's withdrawal by consent. Because it would be necessary for Petitioner to file this Petition for Withdrawal for at least one of the two inventors, Petitioner has chosen to file this Petition as to both Applicants.

9. Petitioner understands that one of the Applicants has retained an attorney to represent his interests, and the other Applicant has consulted with an attorney regarding his interests.
10. The status of the '624 patent is that the first maintenance fee is due on January 1, 2007.
11. The status of the above-identified application is that an Office Action was mailed on March 19, 2004 seeking an election of claims. The final date for responding to this Office Action, including all available extensions under 37.C.F.R. § 1.136(a), is September 19, 2004.

The Petitioner has taken reasonable steps to avoid foreseeable prejudice to the rights of Applicants. Such that the Applicants' rights are preserved, and in accordance with 37 C.F.R. § 10.40(a), the Petitioner has delivered into the possession of the Applicants the following information:

- (1) due notice that the attorney is withdrawing;
- (2) a copy of this Petition, including attachments;
- (3) the time necessary for response to the March 19, 2004 Office Action in the pending continuation application;
- (4) the address of the Patent and Trademark Office where the applicant needs to write and submit any response to the March 19, 2004 Office Action;
- (5) if extensions and extension fees are required, then this information has also been indicated; and
- (6) the times necessary for the payment of maintenance fees for the '624 patent, and the address of the Patent and Trademark Office where the Applicants need to send maintenance fee payments;
- (7) delivered to the client all papers and property to which the client is entitled.

Copies of the letters to the Applicants regarding the above matters are enclosed.

Appl. No : 10/606,605  
Filed : June 26, 2003


In accordance with 1058 O.G. 32, this petition is enclosed in triplicate to expedite its handling.

The Petitioner, on behalf of the law firm of Knobbe, Martens, Olson & Bear, LLP (Customer No. 20,995), including all of its individual members, respectfully requests permission to withdraw as attorney in the above-referenced case now pending before the U.S. Patent & Trademark Office.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 7, 2004

By:   
Authorized and Signing on behalf  
of all attorneys of record

Craig S. Summers  
Registration No. 31,430  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

Attorneys of Record and Registration Numbers:

Mark M. Abumeri	43,458	Ted M. Cannon	55,036
Adeel S. Akhtar	41,394	Vito A. Canuso	35,471
Daniel E. Altman	34,115	John M. Carson	34,303
Erik T. Anderson	52,559	James W. Chang, Ph.D.	52,718
Katsuhiro Arai	43,315	Che S. Chereskin, Ph.D.	41,466
Thomas R. Arno	40,490	Amy C. Christensen	52,742
James Ausley	49,076	Paul N. Conover	44,087
Brenton R. Babcock	39,592	Mallary K. de Merlier	51,609
Aaron D. Barker	51,432	Karoline A. Delaney	44,058
James B. Bear	25,221	Curtiss C. Dosier	46,670
Mark R. Benedict, Ph.D.	44,531	Andrew M. Douglas	51,212
Frederick S. Berretta	38,004	Michael L. Fuller	36,516
Nira M. Brand	52,648	Eric S. Furman, Ph.D.	45,664
William B. Bunker	29,365	Mark J. Gallagher, Ph.D.	43,622
Richard E. Campbell	34,790	Sheila R. Gibson	54,120

**Appl. No** : 10/606,605  
**Filed** : June 26, 2003

John P. Giezentanner	39,993	Marc T. Morley	52,051
Sanjivpal S. Gill	42,578	Eric K. Morton	54,588
Marina L. Gordey, Ph.D.	52,950	Douglas G. Muehlhauser	42,018
Christy G. Lea	51,754	James J. Mullen III, Ph.D.	44,957
John M. Grover	42,610	Scott Loras Murray	53,360
Michael A. Guiliana	42,611	Rabinder N. Narula	53,371
Jon W. Gurka	44,139	Steven J. Nataupsky	37,688
Drew S. Hamilton	29,801	Eric M. Nelson	43,829
Daniel Hart, Ph.D.	40,637	Sharon S. Ng	53,383
David L. Hauser	42,643	William H. Nieman	30,201
Jennifer Hayes	50,845	Glen L. Nuttall	46,188
Jennifer A. Haynes, Ph.D.	48,868	Michael S. Okamoto	47,831
Jerry L. Hefner, Ph.D.	53,009	Perry D. Oldham	52,082
Lee W. Henderson, Ph.D.	41,830	Darrell L. Olson	28,247
Gregory A. Hermanson	53,018	John L. Paik	54,355
James W. Hill, M.D.	46,396	Kirk E. Pastorian, Ph.D.	48,756
Jeffrey A. Hopkins	53,034	Joseph R. Re	31,291
Curtis R. Huffnir	48,877	Joseph M. Reisman, Ph.D.	43,878
Dale C. Hunt, Ph.D.	41,857	Robert J. Roby	44,304
Ned A. Israelsen	29,655	Arthur S. Rose	28,038
Bruce S. Itchkawitz	47,677	Raimond J. Salenieks	37,924
Eric B. Ives	50,928	Jeremy P. Sanders	47,916
David G. Jankowski, Ph.D.	43,691	Edward A. Schlatter	32,297
Russell M. Jeide	54,198	Kyle F. Schlueter	54,912
Joseph F. Jennings	40,664	Ronald J. Schoenbaum	38,297
Stephen C. Jensen	35,556	Jerry T. Sewell	31,567
Suzanne G. Jepson, Ph.D.	51,848	John B. Sganga, Jr.	31,302
AnneMarie Kaiser	37,649	William H. Shreve	35,678
John N. Kandara	55,314	Andrew H. Simpson	31,469
Benjamin A. Katzenellenbogen	53,102	Thomas F. Smegal, Jr.	20,732
Mark J. Kertz	43,711	Raymond D. Smith	55,634
John R. King	34,362	Paul C. Steinhardt	30,806
Karl L. Klassen	54,224	Craig S. Summers	31,430
Louis J. Knobbe	18,780	Sheila N. Swaroop	53,658
Irfan A. Lateef	51,922	Rose M. Thiessen, Ph.D.	40,202
Sabing H. Lee	43,745	Connie C. Tong	52,292
Karen J. Lenker	54,618	Michael H. Trenholm	37,743
James F. Lesniak	25,240	Gerard von Hoffmann	33,043
Brian C. Leubitz	54,264	Nancy Ways Vensko	36,298
Linda H. Liu	51,240	Josué A. Villalta	54,511
Eli Loots	54,715	David N. Weiss	41,371
Joseph J. Mallon, Ph.D.	39,287	David K. Wiggins	54,538
Don W. Martens	21,107	Walter S. Wu	50,816
Lang J. McHardy	50,591	Lori Lee Yamato	40,881
Andrew N. Merickel	53,317		
Tiffany C. Miller	52,032		

HORWOOD.001A

CCF



COPY

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APRIL 21, 2000

PTAS

KNOBBE, MARTENS, OLSON & BEAR, LLP  
CRAIG S. SUMMERS  
620 NEWPORT CENTER DRIVE  
SIXTEENTH FLOOR  
NEWPORT BEACH, CA 96220



\*101272232A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/26/2000

REEL/FRAME: 010553/0625  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
POPE, JOHN E.

DOC DATE: 01/21/2000

ASSIGNEE:  
LOVELL, KEITH W.  
8 NAVAJO TRAIL LANE  
POMONA, CALIFORNIA 91766

NO DATES DOCKETED  
ATTORNEY RESPONSIBLE  
INITIAL           

ASSIGNEE:  
HORWOOD, TIM P.  
14733 WILLOW CREEK LANE  
CHINO HILLS, CALIFORNIA 91709

SERIAL NUMBER: 09491361  
PATENT NUMBER:

FILING DATE: 01/26/2000  
ISSUE DATE:

010553/0625 PAGE 2

ANTIONE ROYALL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

# Knobbe Martens Olson & Bear LLP

Intellectual Property Law



2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
Tel 949-760-0404  
Fax 949-760-9502  
www.kmob.com

Craig S. Summers

June 7, 2004

COPY

Mr. Keith W. Lovell  
8 Navajo Trail Lane  
Pomona, CA 91766

Re: U.S. Patent No.: 6,584,624  
Issued: July 1, 2003  
Title: PORTABLE SPA  
Our Reference No.: HORWOOD.001C1

Dear Keith:

As you know from our previous discussions and correspondence, we are withdrawing as your attorney in connection with the above-referenced patent. A copy of our Petition to Withdraw, including its attachments, is enclosed.

As stated in my letter to you dated July 29, 2003, the above-identified patent will remain in effect until January 26, 2020 provided that you pay the maintenance fees that are due as follows: January 1, 2007 (3 ½ years from issue date); January 1, 2011 (7 ½ years from issue date); and January 1, 2014 (11 ½ years from issue date). Maintenance fee payments should be sent to the Patent Office at the following address:

United States Patent and Trademark Office  
P.O. Box 371611  
Pittsburgh, PA 15250-1611

Because we no longer represent you with respect to this patent, or any other matter, you must calendar these dates and pay these maintenance fees if you wish to maintain the patent in force. Accordingly, we will not send you any further reminders regarding the payment of these maintenance fees or any other matter regarding this patent.

Sincerely,

Craig S. Summers

Enclosures

H:\DOCS\CSS\CSS-4155.DOC:dd  
042204

San Diego  
619-235-8550

San Francisco  
415-954-4114

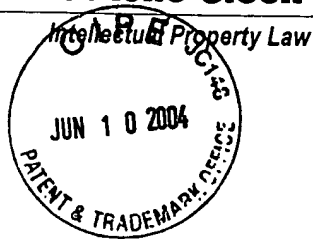
Los Angeles  
310-551-3450

Riverside  
909-781-9231

San Luis Obispo  
805-547-5580



# Knobbe Martens Olson & Bear LLP



2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
Tel 949-760-0404  
Fax 949-760-9502  
www.kmob.com

Craig S. Summers

June 7, 2004

Mr. Tim Horwood  
10451 Latour Lane  
Mira Loma, CA 91752

COPY

Re: U.S. Continuation Patent Application  
Application No.: 10/606,605  
Filing Date: June 26, 2003  
Title: PORTABLE SPA  
Our Reference No.: HORWOOD.001C2

Dear Tim:

As you know from our previous discussions and correspondence, we are withdrawing as your attorney in connection with the above-referenced continuation application. A copy of our Petition to Withdraw, including its attachments, is enclosed.

As you also know, the Patent Office has issued an Office Action in the above-identified application, which I previously forwarded to you in my letter dated April 6, 2004. As explained in that letter, a response to this Office Action was due by April 19, 2004. If you did not respond to this Office Action, you may still respond provided you pay the extension fees charged by the Patent Office. The extensions which are available to you, and the current Patent Office charges to obtain such extensions, are set forth below:

IF YOU RESPOND TO THE OFFICE ACTION BY	THE EXTENSION FEE CHARGED BY THE PATENT OFFICE WILL BE
June 19, 2004	\$210
July 19, 2004	\$475
August 19, 2004	\$740
September 19, 2004 (last day to respond)	\$1,005

The Patent Office address where you should mail your response is:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

San Diego  
619-235-8550

San Francisco  
415-954-4114

Los Angeles  
310-551-3450

Riverside  
909-781-9231

San Luis Obispo  
805-547-5580

Mr. Tim Horwood

June 7, 2004

Page -2-

If you do not respond to the pending Office Action and pay the appropriate extension fees, then the application will go abandoned. The absolute last day to respond is September 19, 2004. No more extensions are available after this date. Because we do not represent you any longer in connection with this continuation application, or any other matter, we will not be sending any further reminders to you regarding responding to the pending Office Action.

Sincerely,

A handwritten signature in cursive script that reads "Craig".

Craig S. Summers

Enclosures

H:\DOCS\CSS\CSS-4202.DOC  
060704